

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 717**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Seniors, Families and Pensions, May 16, 2013, with recommendation that the Senate Committee Substitute do pass.

1688S.05C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 210.278, 210.482, 210.487, 210.950, 211.036, 211.447, and 453.072, RSMo, and to enact in lieu thereof ten new sections relating to children and families, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 210.278, 210.482, 210.487, 210.950, 211.036, 211.447, 2 and 453.072, RSMo, are repealed and ten new sections enacted in lieu thereof, to 3 be known as sections 208.662, 210.278, 210.482, 210.487, 210.950, 211.036, 4 211.447, 453.072, 453.350, and 1, to read as follows:

**208.662. 1. There is hereby established within the department of 2 social services the "Show-Me Healthy Babies Program" as a separate 3 children's health insurance program (CHIP) for any low-income unborn 4 child. The program shall be established under the authority of Title 5 XXI of the federal Social Security Act, the State Children's Health 6 Insurance Program, as amended, and 42 C.F.R. 457.10.**

7 **2. For an unborn child to be enrolled in the show-me healthy 8 babies program, his or her mother shall not be eligible for coverage 9 under Title XIX of the federal Social Security Act, the Medicaid 10 program, as it is administered by the state, and shall not have access 11 to affordable employer-subsidized health care insurance or other 12 affordable health care coverage that includes coverage for the unborn 13 child. In addition, the unborn child shall be in a family with income 14 eligibility of no more than three hundred percent of the federal poverty**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 level, or the equivalent modified adjusted gross income, unless the  
16 income eligibility is set lower by the general assembly through  
17 appropriations. In calculating family size as it relates to income  
18 eligibility, the family shall include, in addition to other family  
19 members, the unborn child, or in the case of a mother with a multiple  
20 pregnancy, all unborn children.

21       3. Coverage for an unborn child enrolled in the show-me healthy  
22 babies program shall include all prenatal care and pregnancy-related  
23 services that benefit the health of the unborn child and that promote  
24 healthy labor, delivery, and birth. Coverage need not include services  
25 that are solely for the benefit of the pregnant mother, that are  
26 unrelated to maintaining or promoting a healthy pregnancy, and that  
27 provide no benefit to the unborn child. However, the department may  
28 include pregnancy-related assistance as defined in 42 U.S.C. 1397ll.

29       4. There shall be no waiting period before an unborn child may  
30 be enrolled in the show-me healthy babies program. In accordance  
31 with the definition of child in 42 C.F.R. 457.10, coverage shall include  
32 the period from conception to birth. The department shall develop a  
33 presumptive eligibility procedure for enrolling an unborn child. There  
34 shall be verification of the pregnancy.

35       5. Coverage for the child shall continue for up to one year after  
36 birth, unless otherwise prohibited by law or unless otherwise limited  
37 by the general assembly through appropriations.

38       6. Pregnancy-related and postpartum coverage for the mother  
39 shall begin on the day the pregnancy ends and extend through the last  
40 day of the month that includes the sixtieth day after the pregnancy  
41 ends, unless otherwise prohibited by law or unless otherwise limited by  
42 the general assembly through appropriations. The department may  
43 include pregnancy-related assistance as defined in 42 U.S.C. 1397ll.

44       7. The department may provide coverage for an unborn child  
45 enrolled in the show-me healthy babies program through:

46       (1) Direct coverage whereby the state pays health care providers  
47 directly or by contracting with a managed care organization or with a  
48 group or individual health insurance provider;

49       (2) A premium assistance program whereby the state assists in  
50 payment of the premiums, co-payments, coinsurance, or deductibles for  
51 a person who is eligible for health coverage through an employer,

52 former employer, labor union, credit union, church, spouse, other  
53 organizations, other individuals, or through an individual health  
54 insurance policy that includes coverage for the unborn child, when  
55 such person needs assistance in paying such premiums, co-payments,  
56 coinsurance, or deductibles;

57 (3) A combination of direct coverage, such as when the unborn  
58 child is first enrolled, and premium assistance, such as after the child  
59 is born; or

60 (4) Any other similar arrangement whereby there:

61 (a) Are lower program costs without sacrificing health care  
62 coverage for the unborn child or the child up to one year after birth;

63 (b) Are greater covered services for the unborn child or the child  
64 up to one year after birth;

65 (c) Is also coverage for siblings or other family members,  
66 including the unborn child's mother, such as by providing pregnancy-  
67 related assistance under 42 U.S.C. 1397ll, relating to coverage of  
68 targeted low-income pregnant women through the children's health  
69 insurance program (CHIP); or

70 (d) Will be an ability for the child to transition more easily to  
71 non-government or less government-subsidized group or individual  
72 health insurance coverage after the child is no longer enrolled in the  
73 show-me healthy babies program.

74 8. The department shall provide information about the show-me  
75 healthy babies program to maternity homes as defined in section  
76 135.600, pregnancy resource centers as defined in section 135.630, and  
77 other similar agencies and programs in the state that assist unborn  
78 children and their mothers. The department shall consider allowing  
79 such agencies and programs to assist in the enrollment of unborn  
80 children in the program, and in making determinations about  
81 presumptive eligibility and verification of the pregnancy.

82 9. Within sixty days after the effective date of this section, the  
83 department shall submit a state plan amendment or seek any necessary  
84 waivers from the federal Department of Health and Human Services  
85 requesting approval for the show-me healthy babies program.

86 10. At least annually, the department shall prepare and submit  
87 a report to the governor, the speaker of the house of representatives,  
88 and the president pro tempore of the senate analyzing and projecting

89 the cost savings and benefits, if any, to the state, counties, local  
90 communities, school districts, law enforcement agencies, correctional  
91 centers, health care providers, employers, other public and private  
92 entities, and persons by enrolling unborn children in the show-me  
93 healthy babies program. The analysis and projection of cost savings  
94 and benefits, if any, may include but need not be limited to:

95 (1) The higher federal matching rate for having an unborn child  
96 enrolled in the show-me healthy babies program versus the lower  
97 federal matching rate for a pregnant woman being enrolled in MO  
98 HealthNet or other federal programs;

99 (2) The efficacy in providing services to unborn children through  
100 managed care organizations, group or individual health insurance  
101 providers or premium assistance, or through other nontraditional  
102 arrangements of providing health care;

103 (3) The change in the proportion of unborn children who receive  
104 care in the first trimester of pregnancy due to a lack of waiting  
105 periods, by allowing presumptive eligibility, or by removal of other  
106 barriers, and any resulting or projected decrease in health problems  
107 and other problems for unborn children and women throughout  
108 pregnancy; at labor, delivery, and birth; and during infancy and  
109 childhood;

110 (4) The change in healthy behaviors by pregnant women, such as  
111 the cessation of the use of tobacco, alcohol, illicit drugs, or other  
112 harmful practices, and any resulting or projected short-term and long-  
113 term decrease in birth defects; poor motor skills; vision, speech, and  
114 hearing problems; breathing and respiratory problems; feeding and  
115 digestive problems; and other physical, mental, educational, and  
116 behavioral problems; and

117 (5) The change in infant and maternal mortality, pre-term births  
118 and low birth weight babies and any resulting or projected decrease in  
119 short-term and long-term medical and other interventions.

120 11. The show-me healthy babies program shall not be deemed an  
121 entitlement program, but instead shall be subject to a federal allotment  
122 or other federal appropriations and matching state appropriations.

123 12. Nothing in this section shall be construed as obligating the  
124 state to continue the show-me healthy babies program if the allotment  
125 or payments from the federal government end or are not sufficient for

126 **the program to operate, or if the general assembly does not appropriate**  
127 **funds for the program.**

128 **13. Nothing in this section shall be construed as expanding MO**  
129 **HealthNet or fulfilling a mandate imposed by the federal government**  
130 **on the state.**

210.278. Neighborhood youth development programs shall be exempt from  
2 the child care licensing provisions under this chapter so long as the program  
3 meets the following requirements:

4 (1) The program is affiliated and in good standing with [a] **either:**

5 **(a) A national congressionally chartered organization's standards under**  
6 **Title 36, Public Law 105-225; or**

7 **(b) A nationally federated organization's purposes, procedures,**  
8 **voluntary standards, and mandatory requirements that provide**  
9 **research-based curricula, delivered by trained professionals in a**  
10 **positive all-female environment;**

11 (2) The program provides activities designed for recreational, educational,  
12 and character building purposes for children six to seventeen years of age;

13 (3) The governing body of the program adopts standards for care that at  
14 a minimum include staff ratios, staff training, health and safety standards, and  
15 mechanisms for assessing and enforcing the program's compliance with the  
16 standards;

17 (4) The program does not collect compensation for its services except for  
18 one-time annual membership dues not to exceed fifty dollars per year or program  
19 service fees for special activities such as field trips or sports leagues, except for  
20 current exemptions as written in section 210.211;

21 (5) The program informs each parent that the operation of the program  
22 is not regulated by licensing requirements;

23 (6) The program provides a process to receive and resolve parental  
24 complaints; and

25 (7) The program conducts national criminal background checks for all  
26 employees and volunteers who work with children, as well as screening under the  
27 family care safety registry as provided in sections 210.900 to 210.936.

210.482. 1. If the emergency placement of a child in a private home is  
2 necessary due to the unexpected absence of the child's parents, legal guardian,  
3 or custodian, the juvenile court or children's division:

4 (1) May request that a local or state law enforcement agency or juvenile

5 officer, subject to any required federal authorization, immediately conduct a  
6 name-based criminal history record check to include full orders of protection and  
7 outstanding warrants of each person over the age of seventeen residing in the  
8 home by using the Missouri uniform law enforcement system (MULES) and the  
9 National Crime Information Center to access the Interstate Identification Index  
10 maintained by the Federal Bureau of Investigation; and

11 (2) Shall determine or, in the case of the juvenile court, shall request the  
12 division to determine whether any person over the age of seventeen years residing  
13 in the home is listed on the child abuse and neglect registry. For any children  
14 less than seventeen years of age residing in the home, the children's division  
15 shall inquire of the person with whom an emergency placement of a child will be  
16 made whether any children less than seventeen years of age residing in the home  
17 have ever been certified as an adult and convicted of or pled guilty or nolo  
18 contendere to any crime.

19 2. If a name-based search has been conducted pursuant to subsection 1  
20 of this section, within fifteen calendar days after the emergency placement of the  
21 child in the private home, and if the private home has not previously been  
22 approved as a foster or adoptive home, all persons over the age of seventeen  
23 residing in the home and all children less than seventeen residing in the home  
24 who the division has determined have been certified as an adult for the  
25 commission of a crime shall report to a local law enforcement agency for the  
26 purpose of providing [two] **three** sets of fingerprints each and accompanying fees,  
27 pursuant to section 43.530. One set of fingerprints shall be used by the highway  
28 patrol to search the criminal history repository [and the second], **one** set shall  
29 be forwarded to the Federal Bureau of Investigation for searching the federal  
30 criminal history files, **and one set shall be forwarded to and retained by**  
31 **the division.** Results of the checks [will] **shall** be provided to the juvenile court  
32 or children's division office requesting such information. Any child placed in  
33 emergency placement in a private home shall be removed immediately if any  
34 person residing in the home fails to provide fingerprints after being requested to  
35 do so, unless the person refusing to provide fingerprints ceases to reside in the  
36 private home.

37 3. If the placement of a child is denied as a result of a name-based  
38 criminal history check and the denial is contested, all persons over the age of  
39 seventeen residing in the home and all children less than seventeen years of age  
40 residing in the home who the division has determined have been certified as an

41 adult for the commission of a crime shall, within fifteen calendar days, submit to  
42 the juvenile court or the children's division ~~[two]~~ **three** sets of fingerprints in the  
43 same manner described in subsection 2 of this section, accompanying fees, and  
44 written permission authorizing the juvenile court or the children's division to  
45 forward the fingerprints to the state criminal record repository for submission to  
46 the Federal Bureau of Investigation. One set of fingerprints shall be used by the  
47 highway patrol to search the criminal history repository ~~[and the second]~~, **one**  
48 set shall be forwarded to the Federal Bureau of Investigation for searching the  
49 federal criminal history files, **and one set shall be retained by the division.**

50 **4. No person who submits fingerprints under this section shall**  
51 **be required to submit additional fingerprints under this section or**  
52 **section 210.487 unless the original fingerprints retained by the division**  
53 **are lost or destroyed.**

54 **5.** Subject to appropriation, the total cost of fingerprinting required by  
55 this section may be paid by the state, including reimbursement of persons  
56 incurring fingerprinting costs under this section.

57 **[5.] 6.** For the purposes of this section, "emergency placement" refers to  
58 those limited instances when the juvenile court or children's division is placing  
59 a child in the home of private individuals, including neighbors, friends, or  
60 relatives, as a result of a sudden unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of  
2 foster parent licensing, the division shall:

3 (1) Conduct a search for all persons over the age of seventeen in the  
4 applicant's household and for any child less than seventeen years of age residing  
5 in the applicant's home who the division has determined has been certified as an  
6 adult for the commission of a crime for evidence of full orders of protection. The  
7 office of state courts administrator shall allow access to the automated court  
8 information system by the division. The clerk of each court contacted by the  
9 division shall provide the division information within ten days of a request; and

10 (2) Obtain ~~[two]~~ **three** sets of fingerprints for any person over the age of  
11 seventeen in the applicant's household and for any child less than seventeen  
12 years of age residing in the applicant's home who the division has determined has  
13 been certified as an adult for the commission of a crime in the same manner set  
14 forth in subsection 2 of section 210.482. One set of fingerprints shall be used by  
15 the highway patrol to search the criminal history repository ~~[and the second]~~,  
16 **one** set shall be forwarded to the Federal Bureau of Investigation for searching

17 the federal criminal history files, **and one set shall be forwarded to and**  
18 **retained by the division.** The highway patrol shall assist the division and  
19 provide the criminal fingerprint background information, upon request; and

20 (3) Determine whether any person over the age of seventeen residing in  
21 the home and any child less than seventeen years of age residing in the  
22 applicant's home who the division has determined has been certified as an adult  
23 for the commission of a crime is listed on the child abuse and neglect  
24 registry. For any children less than seventeen years of age residing in the  
25 applicant's home, the children's division shall inquire of the applicant whether  
26 any children less than seventeen years of age residing in the home have ever been  
27 certified as an adult and been convicted of or pled guilty or nolo contendere to  
28 any crime.

29 2. After the initial investigation is completed under subsection 1 of this  
30 section[,]:

31 (1) **No person who submits fingerprints under subsection 1 of**  
32 **this section or section 210.482 shall be required to submit additional**  
33 **fingerprints under this section or section 210.482 unless the original**  
34 **fingerprints retained by the division are lost or destroyed; and**

35 (2) The children's division and the department of health and senior  
36 services may waive the requirement for a fingerprint background check for any  
37 subsequent recertification.

38 3. Subject to appropriation, the total cost of fingerprinting required by  
39 this section may be paid by the state, including reimbursement of persons  
40 incurring fingerprinting costs under this section.

41 4. The division may make arrangements with other executive branch  
42 agencies to obtain any investigative background information.

43 5. The division may promulgate rules that are necessary to implement the  
44 provisions of this section. Any rule or portion of a rule, as that term is defined  
45 in section 536.010, that is created under the authority delegated in this section  
46 shall become effective only if it complies with and is subject to all of the  
47 provisions of chapter 536 and, if applicable, section 536.028. This section and  
48 chapter 536 are nonseverable and if any of the powers vested with the general  
49 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
50 disapprove and annul a rule are subsequently held unconstitutional, then the  
51 grant of rulemaking authority and any rule proposed or adopted after August 28,  
52 2004, shall be invalid and void.

210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020;

(2) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(3) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(4) "Maternity home", the same meaning as such term is defined in section 135.600;

(5) "Pregnancy resource center", the same meaning as such term is defined in section 135.630.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment of a child up to [five] **forty-five** days old pursuant to this section [and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050 that a parent who is a defendant voluntarily relinquished a child no more than one year old pursuant to this section] if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, **maternity home, or pregnancy resource center**, in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than [one year] **forty-five days** old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. **A parent voluntarily relinquishing a child under this section**

37 shall not be required to provide any identifying information about the  
38 child or the parent. No person shall induce or coerce, or attempt to  
39 induce or coerce, a parent into revealing his or her identity. No officer,  
40 employee, or agent of this state or any political subdivision of this state  
41 shall attempt to locate or determine the identity of such parent. In  
42 addition, any person who obtains information on the relinquishing  
43 parent shall not disclose such information except to the following:

44 (1) A birth parent who has waived anonymity or the child's  
45 adoptive parent;

46 (2) The staff of the department of health and senior services, the  
47 department of social services, or any county health or social services  
48 agency or licensed child welfare agency that provides services to the  
49 child;

50 (3) A person performing juvenile court intake or dispositional  
51 services;

52 (4) The attending physician;

53 (5) The child's foster parent or any other person who has  
54 physical custody of the child;

55 (6) A juvenile court or other court of competent jurisdiction  
56 conducting proceedings relating to the child;

57 (7) The attorney representing the interests of the public in  
58 proceedings relating to the child; and

59 (8) The attorney representing the interests of the child.

60 5. A person listed in subdivision (1) of subsection 3 of this section shall,  
61 without a court order, take physical custody of a child the person reasonably  
62 believes to be no more than [one year] **forty-five days** old and is delivered in  
63 accordance with this section by a person purporting to be the child's parent. If  
64 delivery of a newborn is made pursuant to this section in any place other than a  
65 hospital, the person taking physical custody of the child shall arrange for the  
66 immediate transportation of the child to the nearest hospital licensed pursuant  
67 to chapter 197.

68 [5.] 6. The hospital, its employees, agents and medical staff shall perform  
69 treatment in accordance with the prevailing standard of care as necessary to  
70 protect the physical health or safety of the child. The hospital shall notify the  
71 **children's** division [of family services] and the local juvenile officer upon receipt  
72 of a child pursuant to this section. The local juvenile officer shall immediately

73 begin protective custody proceedings and request the child be made a ward of the  
74 court during the child's stay in the medical facility. Upon discharge of the child  
75 from the medical facility and pursuant to a protective custody order ordering  
76 custody of the child to the division, the **children's** division [of family services]  
77 shall take physical custody of the child. The parent's voluntary delivery of the  
78 child in accordance with this section shall constitute the parent's implied consent  
79 to any such act and a voluntary relinquishment of such parent's parental rights.

80 [6.] 7. In any termination of parental rights proceeding initiated after the  
81 relinquishment of a child pursuant to this section, the juvenile officer shall make  
82 public notice that a child has been relinquished, including the sex of the child,  
83 and the date and location of such relinquishment. Within thirty days of such  
84 public notice, the [nonrelinquishing] parent wishing to establish parental rights  
85 shall identify himself or herself to the court and state his or her intentions  
86 regarding the child. The court shall initiate proceedings to establish paternity,  
87 or if no person identifies himself as the father within thirty days, maternity. The  
88 juvenile officer shall make examination of the putative father registry established  
89 in section 192.016 to determine whether attempts have previously been made to  
90 preserve parental rights to the child. If such attempts have been made, the  
91 juvenile officer shall make reasonable efforts to provide notice of the  
92 abandonment of the child to such putative father.

93 [7.] 8. (1) If a relinquishing parent of a child relinquishes custody of the  
94 child to any person listed in subsection 3 of this section in accordance with this  
95 section and to preserve the parental rights of the nonrelinquishing parent, the  
96 nonrelinquishing parent shall take such steps necessary to establish parentage  
97 within thirty days after the public notice or specific notice provided in subsection  
98 [6] 7 of this section.

99 (2) If [a nonrelinquishing] **either** parent fails to take steps to establish  
100 parentage within the thirty-day period specified in subdivision (1) of this  
101 subsection, [the nonrelinquishing] **either** parent may have all of his or her rights  
102 terminated with respect to the child.

103 (3) When [a nonrelinquishing] **either** parent inquires at a hospital  
104 regarding a child whose custody was relinquished pursuant to this section, such  
105 facility shall refer [the nonrelinquishing] **such** parent to the **children's** division  
106 [of family services] and the juvenile court exercising jurisdiction over the child.

107 [8.] 9. The persons listed in subdivision (1) of subsection 3 of this section  
108 shall be immune from civil, criminal, and administrative liability for accepting

109 physical custody of a child pursuant to this section if such persons accept custody  
110 in good faith. Such immunity shall not extend to any acts or omissions, including  
111 negligent or intentional acts or omissions, occurring after the acceptance of such  
112 child.

113 [9.] **10.** The **children's** division [of family services] shall:

114 (1) Provide information and answer questions about the process  
115 established by this section on the statewide, toll-free telephone number  
116 maintained pursuant to section 210.145;

117 (2) Provide information to the public by way of pamphlets, brochures, or  
118 by other ways to deliver information about the process established by this section.

119 **11. It shall be an affirmative defense to prosecution for a**  
120 **violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent**  
121 **who is a defendant voluntarily relinquished a child no more than one**  
122 **year old under this section.**

123 [10.] **12.** Nothing in this section shall be construed as conflicting with  
124 section 210.125.

211.036. If a [child] **youth** under the age of [eighteen] **twenty-one** is  
2 released from the custody of the **children's** division [of family services] and after  
3 such release it appears that it would be in such [child's] **youth's** best interest to  
4 have his **or her** custody returned to the **children's** division [of family services],  
5 the juvenile officer, the **children's** division [of family services] or the [child]  
6 **youth** may petition the court to return custody of such [child] **youth** to the  
7 division until the child is [eighteen] **twenty-one** years of age.

211.447. 1. Any information that could justify the filing of a petition to  
2 terminate parental rights may be referred to the juvenile officer by any  
3 person. The juvenile officer shall make a preliminary inquiry and if it does not  
4 appear to the juvenile officer that a petition should be filed, such officer shall so  
5 notify the informant in writing within thirty days of the referral. Such  
6 notification shall include the reasons that the petition will not be  
7 filed. Thereupon, the informant may bring the matter directly to the attention  
8 of the judge of the juvenile court by presenting the information in writing, and  
9 if it appears to the judge that the information could justify the filing of a petition,  
10 the judge may order the juvenile officer to take further action, including making  
11 a further preliminary inquiry or filing a petition.

12 2. Except as provided for in subsection 4 of this section, a petition to  
13 terminate the parental rights of the child's parent or parents shall be filed by the

14 juvenile officer or the division, or if such a petition has been filed by another  
15 party, the juvenile officer or the division shall seek to be joined as a party to the  
16 petition, when:

17 (1) Information available to the juvenile officer or the division establishes  
18 that the child has been in foster care for at least fifteen of the most recent  
19 twenty-two months; or

20 (2) A court of competent jurisdiction has determined the child to be an  
21 abandoned infant. For purposes of this subdivision, an "infant" means any child  
22 one year of age or under at the time of filing of the petition. The court may find  
23 that an infant has been abandoned if:

24 (a) The parent has left the child under circumstances that the identity of  
25 the child was unknown and could not be ascertained, despite diligent searching,  
26 and the parent has not come forward to claim the child; or

27 (b) The parent has, without good cause, left the child without any  
28 provision for parental support and without making arrangements to visit or  
29 communicate with the child, although able to do so;

30 **(c) The parent has voluntarily relinquished a child under section**  
31 **210.950;** or

32 (3) A court of competent jurisdiction has determined that the parent has:

33 (a) Committed murder of another child of the parent; or

34 (b) Committed voluntary manslaughter of another child of the parent; or

35 (c) Aided or abetted, attempted, conspired or solicited to commit such a  
36 murder or voluntary manslaughter; or

37 (d) Committed a felony assault that resulted in serious bodily injury to  
38 the child or to another child of the parent.

39 3. A termination of parental rights petition shall be filed by the juvenile  
40 officer or the division, or if such a petition has been filed by another party, the  
41 juvenile officer or the division shall seek to be joined as a party to the petition,  
42 within sixty days of the judicial determinations required in subsection 2 of this  
43 section, except as provided in subsection 4 of this section. Failure to comply with  
44 this requirement shall not deprive the court of jurisdiction to adjudicate a  
45 petition for termination of parental rights which is filed outside of sixty days.

46 4. If grounds exist for termination of parental rights pursuant to  
47 subsection 2 of this section, the juvenile officer or the division may, but is not  
48 required to, file a petition to terminate the parental rights of the child's parent  
49 or parents if:

50 (1) The child is being cared for by a relative; or

51 (2) There exists a compelling reason for determining that filing such a  
52 petition would not be in the best interest of the child, as documented in the  
53 permanency plan which shall be made available for court review; or

54 (3) The family of the child has not been provided such services as provided  
55 for in section 211.183.

56 5. The juvenile officer or the division may file a petition to terminate the  
57 parental rights of the child's parent when it appears that one or more of the  
58 following grounds for termination exist:

59 (1) The child has been abandoned. For purposes of this subdivision a  
60 "child" means any child over one year of age at the time of filing of the  
61 petition. The court shall find that the child has been abandoned if, for a period  
62 of six months or longer:

63 (a) The parent has left the child under such circumstances that the  
64 identity of the child was unknown and could not be ascertained, despite diligent  
65 searching, and the parent has not come forward to claim the child; or

66 (b) The parent has, without good cause, left the child without any  
67 provision for parental support and without making arrangements to visit or  
68 communicate with the child, although able to do so;

69 (2) The child has been abused or neglected. In determining whether to  
70 terminate parental rights pursuant to this subdivision, the court shall consider  
71 and make findings on the following conditions or acts of the parent:

72 (a) A mental condition which is shown by competent evidence either to be  
73 permanent or such that there is no reasonable likelihood that the condition can  
74 be reversed and which renders the parent unable to knowingly provide the child  
75 the necessary care, custody and control;

76 (b) Chemical dependency which prevents the parent from consistently  
77 providing the necessary care, custody and control of the child and which cannot  
78 be treated so as to enable the parent to consistently provide such care, custody  
79 and control;

80 (c) A severe act or recurrent acts of physical, emotional or sexual abuse  
81 toward the child or any child in the family by the parent, including an act of  
82 incest, or by another under circumstances that indicate that the parent knew or  
83 should have known that such acts were being committed toward the child or any  
84 child in the family; or

85 (d) Repeated or continuous failure by the parent, although physically or

86 financially able, to provide the child with adequate food, clothing, shelter, or  
87 education as defined by law, or other care and control necessary for the child's  
88 physical, mental, or emotional health and development.

89 Nothing in this subdivision shall be construed to permit discrimination on the  
90 basis of disability or disease;

91 (3) The child has been under the jurisdiction of the juvenile court for a  
92 period of one year, and the court finds that the conditions which led to the  
93 assumption of jurisdiction still persist, or conditions of a potentially harmful  
94 nature continue to exist, that there is little likelihood that those conditions will  
95 be remedied at an early date so that the child can be returned to the parent in  
96 the near future, or the continuation of the parent-child relationship greatly  
97 diminishes the child's prospects for early integration into a stable and permanent  
98 home. In determining whether to terminate parental rights under this  
99 subdivision, the court shall consider and make findings on the following:

100 (a) The terms of a social service plan entered into by the parent and the  
101 division and the extent to which the parties have made progress in complying  
102 with those terms;

103 (b) The success or failure of the efforts of the juvenile officer, the division  
104 or other agency to aid the parent on a continuing basis in adjusting his  
105 circumstances or conduct to provide a proper home for the child;

106 (c) A mental condition which is shown by competent evidence either to be  
107 permanent or such that there is no reasonable likelihood that the condition can  
108 be reversed and which renders the parent unable to knowingly provide the child  
109 the necessary care, custody and control;

110 (d) Chemical dependency which prevents the parent from consistently  
111 providing the necessary care, custody and control over the child and which cannot  
112 be treated so as to enable the parent to consistently provide such care, custody  
113 and control; or

114 (4) The parent has been found guilty or pled guilty to a felony violation  
115 of chapter 566 when the child or any child in the family was a victim, or a  
116 violation of section 568.020 when the child or any child in the family was a  
117 victim. As used in this subdivision, a "child" means any person who was under  
118 eighteen years of age at the time of the crime and who resided with such parent  
119 or was related within the third degree of consanguinity or affinity to such parent;  
120 or

121 (5) The child was conceived and born as a result of an act of forcible

122 rape. When the biological father has pled guilty to, or is convicted of, the forcible  
123 rape of the birth mother, such a plea or conviction shall be conclusive evidence  
124 supporting the termination of the biological father's parental rights; or

125 (6) The parent is unfit to be a party to the parent and child relationship  
126 because of a consistent pattern of committing a specific abuse, including but not  
127 limited to abuses as defined in section 455.010, child abuse or drug abuse before  
128 the child or of specific conditions directly relating to the parent and child  
129 relationship either of which are determined by the court to be of a duration or  
130 nature that renders the parent unable, for the reasonably foreseeable future, to  
131 care appropriately for the ongoing physical, mental or emotional needs of the  
132 child. It is presumed that a parent is unfit to be a party to the parent-child  
133 relationship upon a showing that within a three-year period immediately prior  
134 to the termination adjudication, the parent's parental rights to one or more other  
135 children were involuntarily terminated pursuant to subsection 2 or 4 of this  
136 section [or], subdivisions (1), (2), (3) or (4) of [subsection 5 of this section] **this**  
137 **subsection**, or similar laws of other states.

138 6. The juvenile court may terminate the rights of a parent to a child upon  
139 a petition filed by the juvenile officer or the division, or in adoption cases, by a  
140 prospective parent, if the court finds that the termination is in the best interest  
141 of the child and when it appears by clear, cogent and convincing evidence that  
142 grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

143 7. When considering whether to terminate the parent-child relationship  
144 pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of  
145 subsection 5 of this section, the court shall evaluate and make findings on the  
146 following factors, when appropriate and applicable to the case:

147 (1) The emotional ties to the birth parent;

148 (2) The extent to which the parent has maintained regular visitation or  
149 other contact with the child;

150 (3) The extent of payment by the parent for the cost of care and  
151 maintenance of the child when financially able to do so including the time that  
152 the child is in the custody of the division or other child-placing agency;

153 (4) Whether additional services would be likely to bring about lasting  
154 parental adjustment enabling a return of the child to the parent within an  
155 ascertainable period of time;

156 (5) The parent's disinterest in or lack of commitment to the child;

157 (6) The conviction of the parent of a felony offense that the court finds is

158 of such a nature that the child will be deprived of a stable home for a period of  
159 years; provided, however, that incarceration in and of itself shall not be grounds  
160 for termination of parental rights;

161 (7) Deliberate acts of the parent or acts of another of which the parent  
162 knew or should have known that subjects the child to a substantial risk of  
163 physical or mental harm.

164 8. The court may attach little or no weight to infrequent visitations,  
165 communications, or contributions. It is irrelevant in a termination proceeding  
166 that the maintenance of the parent-child relationship may serve as an  
167 inducement for the parent's rehabilitation.

168 9. In actions for adoption pursuant to chapter 453, the court may hear and  
169 determine the issues raised in a petition for adoption containing a prayer for  
170 termination of parental rights filed with the same effect as a petition permitted  
171 pursuant to subsection 2, 4, or 5 of this section.

172 10. The disability or disease of a parent shall not constitute a basis for a  
173 determination that a child is a child in need of care, for the removal of custody  
174 of a child from the parent, or for the termination of parental rights without a  
175 specific showing that there is a causal relation between the disability or disease  
176 and harm to the child.

453.072. 1. Any subsidies available to adoptive parents pursuant to  
2 section 453.073 and section 453.074 shall also be available to a qualified relative  
3 of a child **or a qualified close nonrelated person** who is granted legal  
4 guardianship of the child in the same manner as such subsidies are available for  
5 adoptive parents.

6 2. As used in this section:

7 (1) "Relative" means any grandparent, aunt, uncle, adult sibling of the  
8 child or adult first cousin of the child, **or any other person related to the**  
9 **child by blood or affinity;**

10 (2) "Close nonrelated person" means any nonrelated person  
11 whose life is so intermingled with the child such that the relationship  
12 is similar to a family relationship.

453.350. 1. Beginning July 1, 2014, all Missouri foster children  
2 fifteen years of age or older shall receive a visit to a Missouri state  
3 university or a Missouri state community or technical college in the  
4 foster child's area or an armed services recruiter before the foster child  
5 may be adopted or otherwise terminated by foster care unless waived

6 by the family support team. Such visit shall be in addition to any other  
7 services that older youth are usually provided and shall include the  
8 entry application process, financial support application and  
9 availability, career options with academic or technical training, a tour  
10 of the school, and other information and experience desired.

11 2. Beginning July 1, 2014, all youth fifteen years of age or older  
12 in the division of youth services program shall receive a visit to a  
13 Missouri state university or a Missouri state community or technical  
14 college in the youth's area or an armed services recruiter before the  
15 youth's custody or training is completed unless waived by the family  
16 support team. Such visit shall be in addition to any other services that  
17 older youth are usually provided and shall include the entry  
18 application process, financial support application and availability,  
19 career options with academic or technical training, a tour of the school,  
20 and other information and experience desired.

21 3. Agencies defined in subsection 2 of section 210.112 that are  
22 providing foster care case management services for foster children can  
23 document and, if requested, shall receive from the Missouri department  
24 of social services reimbursement for costs associated with meeting the  
25 requirements of this section.

Section 1. 1. A school district or charter school may provide  
2 annually to high school students enrolled in health education at least  
3 thirty minutes of age and grade appropriate classroom instruction  
4 relative to the safe place for newborns act of 2002 under section  
5 210.950, which provides a mechanism whereby any parent may  
6 relinquish the care of an infant to the state in safety and anonymity  
7 and without fear of prosecution under certain specified conditions.

8 2. A school district or charter school that elects to offer such  
9 information pursuant to this section shall include the following:

10 (1) An explanation that relinquishment of an infant means to  
11 give over possession or control of the infant to other specified persons  
12 as provided by law with the settled intent to forego all parental  
13 responsibilities;

14 (2) The process to be followed by a parent in making a  
15 relinquishment;

16 (3) The general locations where an infant may be left in the care  
17 of certain people;

18           **(4) The available options if a parent is unable to travel to a**  
19 **designated emergency care facility; and**

20           **(5) The process by which a relinquishing parent may reclaim**  
21 **parental rights to the infant and the time lines for taking this action.**

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